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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHON JAMES WHITNEY,
a.k.a. Stephone James Whitney,
a.k.a. Steff Bizzle,
a.k.a. Stef B,

Defendant.

Case No. 2:21-cr-2-JAD-NJK

Third Stipulation to Continue
Calendar Call and Trial
and Proposed Order

Christopher Chiou, Acting United States Attorney, and Daniel J. Cowhig, Assistant United States Attorney, counsel for the United States of America, and Yi Lin Zheng, Esquire, counsel for Stephon James Whitney, defendant, stipulate and agree that the calendar call and trial in the above-captioned matter, currently scheduled for January 18, 2022 at 1:30 p.m. and January 25, 2022 at 9:00 a.m., respectively, each be vacated and continued to a date convenient to the Court but no sooner than 30 days from the current settings.

The parties enter into this stipulation for the following reasons:

1 1. Counsel for defendant needs additional time to review discovery, investigate
2 the case, and confer with defendant in order to determine whether the case will go to trial
3 and, if necessary, prepare for trial.

4 2. Defendant Whitney is in custody. Defendant has been advised of this
5 stipulation and does not object to the continuance.

6 3. The additional time requested herein is not sought for the purposes of delay,
7 but rather to allow counsel sufficient time within which to be able to effectively complete
8 investigation of discovery materials and to further discuss the case with defendant.

9 4. The additional time requested by this stipulation is excludable in computing
10 the time within which the trial of the captioned matter must begin pursuant to the Speedy
11 Trial Act, 18 U.S.C. § 3161 *et seq.*, when considering the factors set out in 18 U.S.C.
12 §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

13 This is the third request for a continuance in this matter.

14 Dated December 28, 2021

15 CHRISTOPHER CHIOU
16 Acting United States Attorney

Vegas Golden Law

17 //s// Daniel J Cowhig
18 DANIEL J. COWHIG
19 Assistant United States Attorney
20 Counsel for the United States

//s// Yi Lin Zheng
YI LIN ZHENG, Esquire
Counsel for Defendant
Stephon James Whitney

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

Plaintiff,

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STEPHON JAMES WHITNEY,
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Defendant.

Case No. 2:21-cr-2-JAD-NJK

Proposed

Findings of Fact, Conclusions of Law and

ORDER

Regarding Parties' Third Stipulation to
Continue Calendar Call and Trial

Findings of Fact

Based on the pending stipulation of the parties and good cause appearing therefore,
the Court finds:

1. Counsel for defendant needs additional time to review discovery, investigate
the case, and confer with defendant in order to determine whether the case will go to trial
and, if necessary, prepare for trial.

2. Defendant Whitney is in custody. Defendant has been advised of this
stipulation and does not object to the continuance.

1 3. The additional time requested herein is not sought for the purposes of delay,
2 but rather to allow counsel sufficient time within which to be able to effectively complete
3 investigation of discovery materials and to further discuss the case with defendant.

4 4. The additional time requested by this stipulation is excludable in computing
5 the time within which the trial of the captioned matter must begin pursuant to the Speedy
6 Trial Act, 18 U.S.C. § 3161 *et seq.*, when considering the factors set out in 18 U.S.C.
7 §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

8 5. This is the third request for a continuance in this matter.

9 For these reasons, the ends of justice would be best served by a continuance.

10 **Conclusions of Law**

11 The ends of justice served by granting the requested continuance outweigh the
12 interest of the defendant and of the public in a speedy trial in that a failure to grant the
13 continuance would be likely to result in a miscarriage of justice, deny the defendant
14 sufficient time and opportunity to prepare for trial, taking into account the exercise of due
15 diligence.

16 The continuance is excludable in computing the time within which the trial of the
17 captioned matter must begin pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*,
18 when considering the factors set out in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and
19 3161(h)(7)(B)(iv).

20 **ORDER**

21 **IT IS HEREBY ORDERED THAT** the calendar call in the above-captioned matter,
22 currently scheduled for January 18, 2022 at 1:30 p.m. is hereby vacated and continued to
23 _____ at _____, and the trial currently scheduled for January
24

1 25, 2022 at 9:00 a.m. is hereby vacated and continued to _____ at
2 _____.

3 **IT IS FURTHER ORDERED THAT** the parties shall submit trial briefs, proposed *voir*
4 *dire*, proposed jury instructions, and exhibit lists by _____ at
5 _____.

6 **IT IS FURTHER ORDERED THAT** the parties are excused from the Master Trial
7 Scheduling Conference currently set for January 4, 2022. ECF No. 24.

8 **IT IS SO ORDERED** this December ____, 2021.

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JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I caused a copy of the parties Third Stipulation to Continue Calendar Call and Trial and Proposed Order to be served upon counsel for the defendant by electronic filing through CM/ECF:

Yi Lin Zheng
Vegas Golden Law
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702-385-7170
VegasGoldenLaw@gmail.com

Dated December 28, 2021

//s// Daniel J Cowhig
DANIEL J. COWHIG
Assistant United States Attorney
Counsel for the United States